

## Methodology for country reviews of the ADB/OECD Anti-Corruption Initiative for Asia-Pacific

Adopted June 2009

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### A. Voluntary country reviews as a means to foster exchange of experience and reform

#### Introduction

In order to further enhance the fight against corruption and implementation of the Action Plan of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific by Steering Group members, the Steering Group is launching the voluntary country reviews. The main purpose of these reviews is to further promote the sharing of experience amongst member countries and the development of expertise at the national level, including the following: establishing anti-corruption prevention bodies; establishing legislation for preventing, detecting, investigating and sanctioning corruption; law enforcement; and effectively engaging with civil society and the private sector. The review will also identify capacity development needs where appropriate for obtaining resources (TA support) for combating corruption from internal and external sources.

The purpose of this document is to provide a basic framework for the procedure and substance of the pilot phase of the voluntary country reviews. At the 13<sup>th</sup> Steering Group meeting it was agreed that the pilot project would include two volunteer countries. The methodology would be further refined as deemed appropriate in light of the experience gained during the pilot phase. In addition, more detailed guidelines to complement the methodology would be prepared to further ensure consistency in the reviews.

#### Background

1. The member countries of the Anti-Corruption Initiative for Asia and the Pacific have established three core mechanisms that foster the implementation of international anti-corruption standards in Asia and the Pacific regions: policy dialogue and measuring progress; policy analysis that underpins the policy dialogue; and regional technical dialogues to strengthen implementation capacity. Exchange of experience combined with review of results drive progress in implementing international anti-corruption standards.
2. Members of the Initiative use horizontal, region-wide policy reviews as a means to identify strengths and weaknesses, outline policy options for reform, and encourage further reform. The reviews help drive the mutual learning process in the region and support the Initiative's members individually in designing and implementing policy reform.
3. Based on this positive experience, the Steering Group decided in 2006 to conduct country specific policy reviews on a voluntary basis. In the same spirit as the region-wide reviews, the country reviews would foster the members' understanding of achievements; factors that contribute to the success of

reforms; challenges that countries continue to encounter; as well as priorities for further efforts and capacity building needs.

4. At its 11<sup>th</sup> meeting, the Steering Group requested that the Secretariat develop a methodology for the voluntary reviews for discussion and adoption at the 12<sup>th</sup> Steering Group meeting. Upon adoption of the methodology, countries would assess their individual availability and interest for a review.

5. At the 12<sup>th</sup> Steering Group meeting in Singapore in November 2008, there were several interventions by the members about the need to further clarify the methodology. Members sought in particular clarification about the voluntariness of the reviews, their scope, and the need to avoid overlap with other review mechanisms. The requests for clarifications resulted in significant changes to this document. Further comments provided at the 13<sup>th</sup> Steering Group meeting in Macao, China, in March 2009, covered several issues, including the scope and purpose of the reviews, certain features of the mechanics of the reviews, and clarification between the proposed voluntary reviews and the recently initiated review of the ADB/OECD Initiative, which will also involve on-site visits to certain member countries. The Steering Group agreed in Macao, China, to finalize and adopt the document by written procedure (on a no objection basis) before the 14<sup>th</sup> Steering Group meeting in Manila in September 2009.

## B. General parameters of the reviews

### General principles

6. The methodology for the conduct of voluntary country reviews builds on the experience that the Steering Group has accumulated with its horizontal thematic reviews. Like horizontal reviews, country reviews are based on country ownership, transparency, fairness, and leadership of the Steering Group.

### Principle of voluntariness

7. In line with the principle of country ownership, the reviews are voluntary. The country that volunteers to undergo a review ("review country") defines the scope of the exercise with the assistance of the Advisory Group and the Secretariat. A review team to perform the review is chosen through a consultation process involving the Advisory Group, Secretariat and the review country, and members of the team are only appointed with the agreement of the review country. The review is discussed in the Steering Group meeting on the basis of a draft report prepared by the review team, with the object of providing ideas and options to the review country to support and enhance its anti-corruption efforts. The review country indicates whether it agrees with the ideas and options put forth by the review team and members of the Steering Group, and where appropriate proposes next steps, on which it provides a progress report to the Steering Group after an appropriate period.

### Scope of reviews

8. The reviews focus on the implementation of a specific part or parts of the Action Plan, and to the extent possible in a manner that is consistent with similar standards under other multi-lateral instruments including in particular the United Nations Convention against Corruption (UNCAC). Country reviews do not measure compliance with these instruments, but serve as a way of helping guide the anti-corruption work of the country under review in the specific area or areas chosen by it for its review. Where appropriate, reviews can serve as a means of generating technical assistance for implementing international anti-corruption standards.

9. Reviews identify good practices (in particular through the establishment of anti-corruption bodies) and challenges that the review country is facing. They also look at relevant legislation where appropriate as well as the implementation of that legislation. A guiding principle of the reviews is the non-duplication of other reviews, as expanded under paragraph 10.

10. Where possible and appropriate, review countries consider choosing topics that complement thematic reviews or seminars that will take place around the same time, and that will enhance the knowledge of the Steering Group as a whole. However, reviews do not duplicate thematic reviews and seminars. In addition, reviews do not duplicate any reviews of implementation of other multi-lateral anti-corruption instruments, including reviews of UNCAC implementation carried out by the Conference of State Parties to the UNCAC, or reviews that will have already taken place under the ongoing UNCAC Pilot Project. On the other hand, reviews may draw on and build on the work of other initiatives where appropriate.

11. In addition, where feasible and appropriate, review countries consider choosing topics that will also assist in identifying their capacity development needs that can be supported by donors. They also consider what parts of their government administrations will be able to use the outputs from their reviews.

#### Basic Procedural Elements

12. The reviews follow a methodology that is flexible enough to adapt to the specific needs and context of each review country, and the topics under consideration. Once there has been sufficient practice (i.e. following two country reviews), the Steering Group will establish more detailed guidelines on the procedure for country reviews.

13. The review country makes best efforts to provide relevant information, laws and data in English, and respond to a questionnaire prepared by the review team and any further questions from the team including at the on-site visit. The review country also makes best efforts to make relevant officials and other individuals available at the on-site visit, as requested by the review team and agreed by the review country. The review country assigns a focal agency to facilitate effective communications between the review country, the examination team and the Secretariat, and promote the smooth organisation of the on-site visit.

14. The review is carried out by experts who are assisted by the Secretariat. The experts are chosen with the agreement of the review country. Experts can be drawn from member countries of the Steering Group ("peer" countries), the Advisory Group, regional bodies, and, where appropriate, the OECD Working Group on Bribery. Together these individuals comprise the "review team".

15. The review team reviews relevant information including the responses by the review country to the questionnaire in preparation for the on-site visit. The members of the review team also participate in the on-site visit and provide their experience and knowledge.

16. The on-site visit involves meetings between the review team and relevant government authorities and other stakeholders from the review country (e.g. civil servants from relevant ministries and agencies at different levels of government, members of the judiciary, legislators, representatives of non-governmental organizations and the private sector).

17. Following the on-site visit, the review team prepares a draft report and presents it to the Steering Group along with the review country, and initiates the discussion in the Group on ideas and options that the review country might consider for addressing issues identified by the review.

18. After discussion in the Steering Group Meeting and with the agreement of all members of the Steering Group including the review country, the report is approved and adopted.

19. The Initiative's Secretariat supports the entire review process. It assists the review country identify the parameters of the review; assists identifying experts; assists the experts prepare a questionnaire; assists the experts prepare a preliminary analysis during the preparatory phase; organizes the on-site visit with review country; and assists the experts who prepare the report in consultation with the review country. The Secretariat also ensures the fairness, quality, and smooth-running of the exercise, as well as a consistent application of the review process.

### C. Review process – further details

20. Country reviews are carried out in three phases (as was done for the thematic reviews): i) obtaining information through a questionnaire; ii) consultation and dialogue with relevant government authorities and other stakeholders and experts in the country under review; and iii) discussion and adoption of the draft report by the Steering Group. The process is designed to be carried out in the time between two subsequent Steering Group meetings, if possible. Initially, the Group endeavours to finalize one country review per Steering Group meeting.

#### 1. Gathering information and thorough preparation

21. Before preparing a questionnaire, as discussed in paragraph 22, the review team along with the review country does a stocktaking of relevant studies and diagnostics on the review country. The stocktaking ensures that the review is not duplicative and benefits from previous anti-corruption work on the review country.

22. The review team prepares a questionnaire to obtain information relevant to the scope of the review, in consultation with the country being reviewed. Based on the responses to the questionnaire, and other relevant information obtained for example through research, the review team prepares a preliminary analysis on the legal and institutional frameworks and practices in the country that is being reviewed in consultation with the country being reviewed. This analysis helps the review team and the review country prepare for the on-site visit.

#### 2. Dialogue and consultation on-site

23. A comprehensive and accurate report relies on a thorough understanding of the context in a given country and dialogue and consultation with all stakeholders involved in the fight against corruption. Therefore, the review team visits the review country to seek information and the views of relevant stakeholders. Relevant government authorities could include representatives of certain ministries and agencies (e.g. law enforcement, public procurement, ombudsman, and anti-corruption body), legislators, and members of the judiciary. Other relevant stakeholders could include practitioners as well as representatives of the business sector and civil society. The visit lasts 3 to 4 days and is carried out in close collaboration between the review country and the review team.

24. Prior to the visit, the Secretariat prepares a draft agenda for the on-site visit in close consultation with the review country and the experts. The review country invites participants as agreed with the Secretariat and experts prior to the on-site visit.

#### 3. Preparing and finalizing the report

25. Following the on-site visit, the review team prepares a draft report in consultation with the review country. The draft report discusses the review country's implementation of the chosen part or parts of the

Action Plan, including achievements and strengths as well as challenges. The draft report also discusses the review team's ideas and options that the review country might consider for addressing any issues identified in the report.

26. The review team and the review country present the draft report at a meeting of the Steering Group, following which an open discussion takes place in the Steering Group about the findings in the report, and the ideas and options for addressing issues identified by the review team. It is also open to the Steering Group to raise further ideas and options, which are recorded in the report. The review country then proposes next steps for responding to the ideas and options to which it agrees. The review report, including the next steps proposed by the review country, is then approved and adopted by consensus, including the review country. Following adoption, it is published by the Initiative. Where appropriate and agreed to by the review country, a copy of the review report is sent to the UNODC and donors.

#### 4. Follow-Up

27. Following an appropriate period and no longer than two years after adoption of the report, the review country reports at a meeting of the Steering Group on progress in responding to the ideas and options to which it agreed. A brief follow-up report is prepared by the Secretariat on the review country's progress based on the discussion in the Steering Group. The report prepared by the Secretariat is approved and adopted by written procedure under the same rule of consensus, following which it is published by the Initiative.

#### 5. Launching the process

28. Once the methodology is adopted by the Steering Group, one or preferably two volunteer countries are needed to launch the process. The first two reviews are considered "pilot" reviews for the purpose of trying/testing the methodology and establishing guidelines that provide more details for ensuring consistency between the reviews. Therefore, following the adoption of the first two "pilot" reviews, the Steering Group reviews this methodology and makes necessary changes, and prepares a guidelines document. The official review process is launched upon approval and adoption of the revised methodology and guidelines.

29. Since the first two country reviews are pilot exercises, the resulting reports are only published by the Initiative with the agreement of the review countries.

#### 6. Indicative calendar

30. The pilot phase of the voluntary country reviews commences once the first country volunteers to be reviewed, and funding is available for that review.

31. The following calendar indicates the time frame for the steps in the country reviews, which are to be applied flexibly to the pilot phase of reviews:

<b>Step</b>	<b>Process</b>	<b>Timeline</b>
1.	Definition of the scope of review; identification of experts and other members of review team; and preparation of questionnaire	3 weeks
2.	Period for responding to questionnaire;	5 weeks
3.	Preparation of preliminary analysis	4 weeks
4.	Preparation of on-site visit: drafting of agenda for the visit; invitation of national interlocutors; and briefing of review team	3 weeks
5.	On-site visit	3-4 days
6.	Preparation of draft report	5 weeks
7.	Seeking of review country's comments on draft report	2 weeks
8.	Sharing of draft report with Steering Group	2 weeks
9.	Discussion and adoption of report by the Steering Group; publication	Steering Group meeting
	<b>total</b>	25 weeks

#### D. Logistical arrangements

32. As part of the Initiative's work program, the expenses for the review are covered by the Initiative's budget, subject to the availability of funds. Expenses covered by this budget include notably the preparation of the questionnaire and draft reports; and the expenses for travel and accommodation of review team members who participate in the review, provided they are eligible for funding under the Initiative's policy for financial support. The review country will contribute in kind for the logistical arrangements for the on-site visit.